

Davon M. Howes # 261025
Name and Prisoner/Booking Number
Solano County Jail (Stanton)
Place of Confinement
~~2450~~ 2450 claybank rd.
Mailing Address
Fairfield, CA 94533
City, State, Zip Code

FILED

NOV 14 2022

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Davon Maurice Howes
(Full Name of Plaintiff) Plaintiff,

v.
(1) Claire Jacqueline White
(Full Name of Defendant)
(2) Judge Robert S. Bowers
(3) District Attorney Elizabeth Ring
(4) _____
Defendant(s).
☐ Check if there are additional Defendants and attach page 1-A listing them.

CASE NO. 2:22cv 2047 AC (PC)
(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

"Jury Trial Demanded"

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

- ☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983
☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).
☐ Other: _____

2. Institution/city where violation occurred: Superior Court / Vallejo

B. DEFENDANTS

1. Name of first Defendant: Claire White. The first Defendant is employed as:
Defense Attorney at 505 14th St Suite 900 Oakland, CA
(Position and Title) (Institution) 94612
2. Name of second Defendant: Robert S. Bowers. The second Defendant is employed as:
Superior Court Judge at Vallejo Superior Court.
(Position and Title) (Institution)
3. Name of third Defendant: Elizabeth Ring. The third Defendant is employed as:
District Attorney at _____
(Position and Title) (Institution)
4. Name of fourth Defendant: _____. The fourth Defendant is employed as:
_____ at _____
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If yes, how many lawsuits have you filed? _____. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - b. Second prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - c. Third prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION**CLAIM I****Due Process**

1. State the constitutional or other federal civil right that was violated:

2. **Claim I.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- ☐ Basic necessities ☐ Mail ☐ Access to the court ☐ Medical care
☐ Disciplinary proceedings ☐ Property ☐ Exercise of religion ☐ Retaliation
☐ Excessive force by an officer ☐ Threat to safety ☒ Other: **unlawful incarceration.**

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

Judge Bowers unlawfully allowed Perjured Testimony to be used against me in Superior Court from a Criminal that was in Custody during my Preliminary hearing. This Criminal exercised his Fifth Amendment to remain silent to prevent incriminating himself. At this point he forced immunity on this man without any agreement from his Attorney or signature. This Criminal in Custody was the alleged victim, so while under oath he was questioned who was responsible for allegedly shooting at him, and his response was I did not see. At this point there was insufficient evidence to bound me over for Trial, but Judge Bowers took this as an admission when the Criminal had initially pled the Fifth. And he testified he did not see who was responsible for allegedly shooting at his car. Judge Bowers clearly coached the Prosecutor how to prosecute the case when his job is to officiate.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

I have been illegally restrained in Custody for 3 years. I have suffered from a mental PTSD breakdown, bi-polar depression, I have anxiety attacks, I take various medications now being Serenell, Zoloft, metatalkin.

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
 b. Did you submit a request for administrative relief on Claim I? ☒ Yes ☐ No
 c. Did you appeal your request for relief on Claim I to the highest level? ☒ Yes ☐ No
 d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. **I Filed a Writ habeas Corpus Petition - still Pending**

CLAIM II

1. State the constitutional or other federal civil right that was violated: Ineffective Assistance Counsel

2. **Claim II.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | | |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>ineffective Assistance Counsel</u> | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim II. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

I retained Attorney Claire White to represent me effectively. Ms. White appeared at only one of my Court dates out of 15 appearances. On my arraignment, I never waived my right to a speedy trial within 60 days. Ms. White waived it multiple times. On the day of my Preliminary hearing on July 28th, 2020, the alleged victim and complaining witness was in custody on a violation and at this point pled the Fifth. The Judge suggested dismissal but my Attorney agreed to continue the case was to me ineffective. Then my hearing was delayed to August 18th, 2020 this alleged victim pled the Fifth again and was forced immunity to give Perjured Testimony. At this time my Attorney was ineffective she never objected one time, she was unprepared, she never conducted any investigation, she never interviewed any of my witnesses. He was under oath and was Questioned who was allegedly responsible for allegedly shooting at him, his response was I did not see. My Attorney never objected to anything being done.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

I have been illegally restrained in custody for 3 years now. I suffered from a mental PTSD breakdown, bipolar depression, I have anxiety attacks, take various medications, being Serenell, Zoloft, metatelin.

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim II? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim II to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. I Filed a Writ of habeas Corpus Petition

CLAIM III

1. State the constitutional or other federal civil right that was violated: Abusing authority allowing Perjured Testimony, stemming from Conflict of Interest.
2. **Claim III.** Identify the issue involved. Check **only one**. State additional issues in separate claims.
- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>Attorney Misconduct</u> | |
3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim III. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.
- District Attorney Ms. Ring demonstrated Attorney Misconduct by asking leading questions to a criminal alleged victim that was in custody, she then allowed this witness to provide Perjured Testimony after she indicated to his Attorney he had a valid Fifth Amendment to remain silent. She went against the law by forcing immunity on a criminal in custody without an agreement with the witness or his lawyer never signed onto any stipulation agreement. Ms. Ring coerced this witness under oath and forced immunity on him to give False Testimony. She questioned this man who allegedly was responsible for allegedly shooting at his car and he said i did not see.
4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).
- i have been illegally restrained in custody for 3 years, and i suffered a mental breakdown of PTSD and bi Polar depression i take various medications, being Seroquel, Zoloft, metatolin.
5. **Administrative Remedies.**
- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
 - Did you submit a request for administrative relief on Claim III? ☒ Yes ☐ No
 - Did you appeal your request for relief on Claim III to the highest level? ☒ Yes ☐ No
 - If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. Filed writ habeas Corpus Petition

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.

E. REQUEST FOR RELIEF

State the relief you are seeking:

immediate release From Custody and dismissal, and 2,000,000 \$
For the unlawful 3 years of my life in Custody. And suffering
mental disorders and trauma while in custody

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11-10-22
DATE

D. Howes
SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.